



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



DES Legal Unit

**LETTER OF DEFICIENCY
WET # SC 2003-0011**

August 22, 2003

Morgado Development LLC
Attn: Anthony Morgado Jr.
6 Marsh Lane
Hampton Falls, NH 03844

RE: Wetlands Bureau Complaint File #2003-1565, Morgado Development LLC, 60 Brown Road, Hampton Falls Tax Map 5 / Lot 8.

Dear Mr. Morgado Jr.

On July 17, 2003 and July 29, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the Town of Hampton Falls Tax Map 5 as Lot 8 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

During the inspections DES personnel determined that dredging and/or disturbing the substrate of approximately 52,950 sq. ft. of freshwater wetlands took place on the property without a permit from the DES Wetlands Bureau.

DES requests that you take the following action:

Immediately install erosion controls to prevent sedimentation into jurisdictional areas.

2. Within 15 days of receipt of this Letter of Deficiency, retain a qualified environmental professional to develop a plan to restore the impact areas.
3. Within 45 days of receipt of this Letter of Deficiency, submit a restoration plan that includes the following:
 - a. A plan with dimensions, drawn to scale, indicating:
 1. The footprint of the wetland prior to disturbance
 2. The footprint of dredged and/or disturbed areas
 - b. A plan for restoration of the wetlands to their original footprint
 - c. A proposed means of erosion control

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- d. A proposed schedule and construction sequence listing equipment and methods for accomplishing the restoration no later than October 15, 2003
 - e. A proposed planting plan for the re-establishment of wetland vegetation
4. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
5. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Collis Adams, Administrator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


Collis Adams, Administrator
DES Wetlands Bureau

CERTIFIED MAIL # 7003 1010 0003 3557 3019

cc: Rene Pelletier, Manager, Land Resources Management Program
DES Legal Unit
Hampton Falls Conservation Commission
Hampton Falls Building Inspector